

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

David James Jannetta,

Civil No. 05-1349 (DWF/RLE)

Petitioner,

v.

ORDER

Terry Carlson, C.E.O./Warden,

Respondent.

David James Jannetta, *Pro Se*, Petitioner.

Thomas R. Ragatz, Assistant Attorney General, Minnesota Attorney General's Office, counsel for Defendant.

This matter is before the Court upon Petitioner David James Jannetta's objections to Magistrate Judge Raymond L. Ericksen's Report and Recommendation dated July 14, 2005, recommending that: (1) Petitioner's application for a writ of habeas corpus be denied; (2) Petitioner's application to proceed *in forma pauperis* be denied; and (3) this action be summarily dismissed, but without prejudice.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of the parties, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(c).

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Magistrate Judge Raymond L. Erickson's Report and Recommendation dated July 14, 2005 (Doc. No. 3), is **ADOPTED**.
2. Petitioner David James Jannetta's objections (Doc. No. 4) to Magistrate Judge Raymond L. Erickson's Report and Recommendation dated July 14, 2005, are **DENIED**.
3. Petitioner David James Jannetta's application for a Writ of Habeas Corpus (Doc. No. 1) is **DENIED**.
4. Petitioner David James Jannetta's application to proceed *in forma pauperis* (Doc. No. 2) is **DENIED**.
5. This action is summarily **DISMISSED**, but **WITHOUT PREJUDICE**.

Dated: August 5, 2005

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court